# Maine Department of Environmental Protection

# Waste Discharge Program Guidance

From: Brian Kavanah, Director Division of Water Resource Regulation

Date: 8/31/04 (REVISED)

RE: **Stormwater Discharges**

The purpose of this guidance is to explain the DEP's position on the licensing of the point source discharge of stormwater from spill containment dikes and berms at bulk fuel plants and aboveground storage tank (AST) facilities. This guidance does not apply to dike waters for ASTs storing hazardous materials as defined in the DEP's Chapter 800 rules, Identification of Hazardous Matter.

## Oil Terminals

The DEP's Oil Discharge Prevention and Pollution Control Rules for Marine Oil Terminals, Transportation Pipelines and Vessels (Chapter 600) require that the tanks at all oil terminals be diked, that all terminal facilities be equipped with an oil-water separator, and that terminals discharging stormwater to the waters of the state be licensed under 38 MRSA § 413.

Under Chapter 600, oil terminals are defined as facilities used to transfer, process, refine or store oil or other petroleum products where the facility is engaged in the transfer of oil to or from waters of the state (e.g., by ship or barge) and where the facility has the capacity of storing at least 1500 barrels of oil.

**The DEP will continue to require a waste discharge license for the discharge of stormwater from oil terminals**. The DEP believes that all oil terminals as defined by the DEP's Chapter 600 Regulations have been licensed. There are currently fourteen licensed terminals in the state, located in Bangor, Brewer, Bucksport, Hampden, Searsport, and South Portland.

## Bulk Fuel Plants and Aboveground Storage Tank (AST) Facilities

The following guidance for bulk fuel plants and AST facilities (except oil terminals and home heating oil ASTs) applies to the discharge of stormwater from secondary containment dikes and berms to surface waters. Contact the Bureau of Remediation and Waste management, Technical Services Division for guidance on discharging dike waters to the ground at AST facilities

For the purpose of this guidance, bulk fuel plants are facilities that are used to store and transfer oil or other petroleum products where the product is received and/or dispatched by truck, rail, or pipeline. Additionally, AST facilities are facilities that store, transfer, and/or sell oil or other petroleum products (i.e., gasoline service stations and convenience stores). Bulk fuel plants and AST facilities are collectively referred to as Facilities in this guidance.

Facilities are regulated by the Environmental Protection Agency under 40 CFR Part 112. Under these regulations, bulk fuel plants and AST facilities above a minimum size threshold (aggregate tank storage capacity of 1,320 gallons) are supposed to have a spill prevention control and countermeasure (SPCC) plan. As part of this plan, a Facility must have a containment dike or acceptable alternative. In addition, if any stormwater that collects inside the diked area is discharged to a surface water body, then an oil-water separator must be installed.

Recently, questions have been raised as to whether Facilities need a waste discharge license. These facilities are generally significantly smaller in capacity than oil terminals, and are not subject to the mandatory licensing requirement of DEP's Chapter 600 Regulations. Historically, the DEP has licensed a small number (less than a dozen) of these Facilities which discharge stormwater to surface waters. It is not clear why these Facilities were licensed and other similar ones were not. There are an undetermined number of Facilities in the state that currently discharge to surface waters.

Any decision on whether or not to license Facilities must take into account the following considerations:

- Some Facilities currently have containment dikes; some do not.
- Where there is a dike, there may be a discharge pipe, or capacity for pumping, to allow the discharge of stormwater that collects inside the diked area.
- Best Management Practices (BMPs) to protect surface water from the discharge of pollutants may be appropriate as an alternative to licensing.
- Some Facilities discharge stormwater directly or indirectly to a surface water body; other Facilities simply discharge stormwater to the adjacent land.
- Similar Facilities should be treated similarly (that is, either all Facilities discharging to surface waters should be licensed, or none should be).

**Based on these considerations, the DEP will no longer require a license for the discharge of stormwater from Facilities, provided that the following Best Management Practices are followed:**

1. **Any Facility that discharges stormwater collected inside a containment dike either directly or indirectly (within 300 feet) to a surface water body must be equipped with a properly sized, maintained, and operated oil-water separator;**

2. **Any oil-water separator installed at a Facility must be capable of treating all stormwater discharge from the containment area and reducing the oil content of the discharge to 15 ppm or less of Oil and Grease. This shall be demonstrated to the Department's satisfaction through periodic testing of the effluent or through documentation from the manufacturer of the unit.[1] In no case shall the discharge cause a sheen on the receiving water ();**

3. **Where required, a Spill Prevention Control and Countermeasure (SPCC) plan must be in place; and**

4. **Where there is a dike, there must be a discharge pipe with a locking valve, or capacity for pumping, to allow the controlled discharge of stormwater that collects inside the diked area.**

5. **An initial notice must be filed with DEP prior to any discharge, identifying the location of the Facility and discharge pipe, type of petroleum product stored, petroleum storage capacity, size of bermed containment area (in square feet), and name of the water body receiving the stormwater discharge.**

**The DEP reserves the right to require a license for the discharge of storm-water from a Facility where there is a significant potential for the discharge of pollutants or potential for a significant water quality impact from the stormwater discharge.**

In addition to the above BMPs, the Department strongly encourages Facilities to minimize the potential for stormwater to collect within diked areas or containment tanks through the use of roofs, berms, or other appropriate mechanisms.

The DEP will take appropriate action to ensure that the discharge of stormwater from a Facility to a surface water body is either treated through an adequate oil-water separator or is eliminated.

The DEP also reserves the right to initiate proceeding to establish general permit or other regulatory standards for all bulk fuel plants.

[1] Sampling and analysis must be conducted in accordance with; a) methods approved by 40 Code of Federal Regulations (CFR) Part 136, b) alternative methods approved by the Department in accordance with the procedures in 40 CFR Part 136, or c) as otherwise specified by the Department. Samples that are sent out for analysis shall be analyzed by a laboratory certified by the State of Maine's Department of Human Services.

Erich Kluck will serve as the primary Department contact on for surface water discharges from Facilities. Erich can be contacted at 287-7814 or erich.d.kluck@maine.gov.

## Combined Sewer Overflows

Many Maine communities have combined systems for the collection of domestic sewerage and stormwater from street drains. Where possible, this combined sewerage/stormwater is sent to a municipal waste water treatment plant for appropriate treatment and disinfection. However, in major storm or runoff events, the volume of stormwater in the collection system can overwhelm the capacity of the treatment plant. As a consequence, in order to avoid overloading the treatment plant, the combined sewerage/stormwater is discharged directly to a surface water body.

**The DEP will continue to require a license for the discharge of sewerage-contaminated stormwater from combined sewer overflows (CSOs).** Treatment requirements for CSO discharges will be defined by rule making.

## Stormwater Discharges Other Than Dike Water

The Department traditionally has required a license for the discharge of stormwater from major log/bark piles, chemical storage facilities, coal piles, ash collection and transfer facilities, and industrial facilities. Best practical treatment (BPT) for stormwater discharges with organic or industrial contaminants consists of treatment through a waste water treatment facility. BPT for stormwater discharges with only oil and grease contaminants consists of the installation and operation of an oil/water separator to reduce the oil content of the discharge to 15 ppm or less.

**The Department will continue to require a license for the discharge of stormwater from appropriate fuel storage and industrial facilities (other than Facilities).** The DEP believes that all such facilities have been licensed. Questions as to whether a currently unlicensed stormwater discharge from a fuel storage or industrial facility constitutes a major discharge that should be licensed will be addressed on a case-by-case basis. In addressing these questions, the DEP will consider whether there is a risk of significant pollution from a facility that warrants a license to require treatment.

The Department currently does not require a license for the discharge of untreated stormwater from minor fuel, industrial or commercial facilities (including garages, gas stations, truck stops, and similar facilities), from parking lots, or from street drains uncontaminated by domestic sewerage. The mere installation of an oil/water separator to provide treatment for such a discharge does not in and of itself require a license either (licensing is triggered by "the discharge of pollutants," not by the presence of treatment).

**The DEP will continue its practice of not requiring a license for the discharge of stormwater-with or without treatment-from minor facilities, from parking lots, or from separated street drains.**

Since the installation of an oil/water separator does provide appropriate treatment for unlicensed stormwater discharges that are or may be contaminated by oil or grease (e.g., stormwater discharges from parking lots), staff should encourage the installation of separators where appropriate. In deciding whether a separator is appropriate, staff should consider the volume of the discharge, the chances that treatable concentrations of oil and grease may exist in the discharge, and the likelihood that any separator, if installed, will be properly maintained.